

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

AUDRA SMITH, INDIVIDUALLY AND AS  
ADMINISTRATRIX OF THE ESTATE OF  
TEDDY SMITH, AND AS GUARDIAN OF  
THE PERSONS OF LOGAN AND CADEN  
SMITH, INFANTS, AND TRUSTMARK  
NATIONAL BANK AS GUARDIAN OF THE  
ESTATES OF LOGAN AND CADEN SMITH

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:05-cv-96 (DCB) (JMR)

MICHAEL ROUSE; ROUSE POLYMERICS  
INTERNATIONAL, INC.; ROUSE ALLOYS, INC.;  
ROUSE POLYMERICS NORTHEAST, INC.; ROUSE  
HOLDINGS, INC.; PPG INDUSTRIES, INC.;  
BANDAG, INCORPORATED; BRANDON SERVICE  
COMPANY, INC.; ROCKWELL AUTOMATION, INC.,  
d/b/a Dodge; BALDOR ELECTRIC COMPANY;  
FLANNIGAN ELECTRIC COMPANY; GULF SCIENCE  
INDUSTRIES, INC.; HI-TEK FIRE SPRINKLERS,  
INC.; HONEYWELL, INC.; HONEYWELL  
INTERNATIONAL, INC.; HONEYWELL AUTOMATION  
AND CONTROL SOLUTIONS, and JOHN DOES 1-10

DEFENDANTS

ORDER OF REMAND

This cause having come before the Court on the plaintiffs' motion for abstention and/or to sever and/or to remand (**docket entries 4 and 5**), and the Court having carefully considered the motion and response, the memoranda and applicable law, and being fully advised in the premises, finds as follows:

This action was removed from the Circuit Court of Warren County, Mississippi, by defendant Rouse Polymerics International, Inc. ("Rouse Polymerics"), pursuant to 28 U.S.C. § 1452, on the basis that Rouse Polymerics had filed Chapter 11 bankruptcy proceedings in U.S. Bankruptcy Court for the Southern District of

Mississippi. The plaintiffs filed their motion for the Court to abstain from exercising bankruptcy jurisdiction and to remand this action to the state court. After the motion was fully briefed, the parties agreed to a voluntary dismissal of all claims against Rouse Polymerics. Inasmuch as Rouse Polymerics' bankruptcy was the sole basis for the removal, there is no longer any grounds for the exercise of federal jurisdiction, and this case must be remanded. Accordingly,

IT IS HEREBY ORDERED that the plaintiffs' motion for abstention and/or to sever and/or to remand (**docket entries 4 and 5**) is GRANTED;

FURTHER ORDERED that this action is REMANDED to the Circuit Court of Warren County, Mississippi.

SO ORDERED, this the 17<sup>th</sup> day of March, 2006.

S/DAVID BRAMLETTE  
UNITED STATES DISTRICT JUDGE